



Dated: January 11, 2006

*James M. Marlar*  
JAMES M. MARLAR  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re: ) Chapter 11  
MILIVOJ MARINKOVIC ) No. 4-02-bk-00378-JMM  
Debtor. ) Adversary No. 4-05-ap-00182-JMM  
MEL M. MARIN and MILIVOJ )  
MARINKOVIC, ) **MEMORANDUM DECISION**  
Plaintiffs, ) (Opinion to Post)  
vs. )  
THE CITY OF UTICA NY, et al., )  
Defendants. )

On December 23, 2005, the Plaintiffs moved to extend the four-month period required by FED. R. CIV. P. 4 (m) (incorporated as FED. R. BANKR. P. 7004(a)(1)) to serve their complaint upon certain defendants. A review of the court's file discloses that the complaint was filed on May 12, 2005.

An affidavit of service, filed on May 12, disclosed service by mail upon only two defendants, Nigara Mohawk and the New York Public Service Commission (Dkt. 4). An amended complaint was filed on September 12, 2005 (Dkt. 24). It was only served on Nigara Mohawk and New York Public Service Commission (Dkt. 26).

h:\wp\orders\

1 A certificate of service was filed on October 26, 2005 (Dkt. 35), showing service by mail  
2 upon:

3 Mohawk Regional Water Board

4 City of Utica, NY

5 John Dillon

6 Timothy J. Julian

7 Timothy P. Doyce

8 Harry Scaramella

9 The court finds inadequate excuse to extend the abatement period of FED. R. BANKR. P.  
10 7004. This is because service of an adversary complaint in a bankruptcy case is extremely easy. The  
11 Plaintiffs have had eight months to do so--double the allocated time allowed by the Rule.

12 Accordingly the court will enter orders which:

- 13 1. DENY the Plaintiffs' motion to extend service of the adversary complaint; and  
14 2. DISMISS the following unserved Defendants from the action:

15 William Grossman

16 Pat Madigan

17 Mohawk Regional Water Board

18 Midland Loan Services

19 J.P. Morgan Holding Company dba La Salle Bank

20 Steven M. Cox

21 The Law Firm of Waterfall Economides (sic)

22 Jeffrey Solomon

23 Steinburg, Fineo Law Firm

24 Dean Bell, individually and dba Magnolia Bearcat

25 Eric Sparks  
26

1 DATED AND SIGNED ABOVE.

2  
3 COPIES served as indicated below the  
4 day of January, 2006, upon:

5 Milivoj Marinkovic  
808 Oswego  
6 Utica, NY 13502

U.S. Mail

7 Mel M. Marin  
Box 2675  
8 Vista, CA 92085

U.S. Mail

9 Catherine M Hedgeman  
50 Beaver Street  
10 Albany, NY 12207-2830

U.S. Mail

11 John L Favreau  
NYS Department of Public Service  
12 3 Empire State Plaza  
Albany, NY 12223

U.S. Mail

13 Scott D. Gan  
14 Mesch, Clark & Rothschild, P.C.  
259 N. Meyer Ave.  
15 Tucson, AZ 85701

Email [ecfbk@mcrazlaw.com](mailto:ecfbk@mcrazlaw.com)

16 Office of the United States Trustee  
230 North First Avenue, Suite 204  
17 Phoenix, AZ 85003-1706

U.S. Mail

18  
19 By /s/ M.B. Thompson  
Judicial Assistant